

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

LP MATTHEWS, L.L.C. )  
                        )  
                        )  
Plaintiff,           )  
                        )  
v.                     ) Civil Action No. 04-1507-SLR  
                        )  
                        )  
BATH & BODY WORKS, INC.; LIMITED )  
BRANDS, INC.; KAO BRANDS CO.   )  
(f/k/a THE ANDREW JERGENS      )  
COMPANY); and KAO CORPORATION   )  
                        )  
                        )  
Defendants.          )

**PLAINTIFF LP MATTHEWS' REPLY TO DEFENDANT  
BBW'S COUNTERCLAIMS AND DEMAND FOR JURY TRIAL**

For its Reply to Defendants Bath & Body Works, Inc.'s and Limited Brands, Inc.'s (BBW) Counterclaims (D.I. 22), Plaintiff LP Matthews, L.L.C. admits, denies, states and alleges as follows:

**Parties**

1.       LP Matthews admits the allegations stated by BBW in Paragraph 1 of its Counterclaim.
2.       LP Matthews admits the allegations stated by BBW in Paragraph 2 of its Counterclaim.
3.       LP Matthews admits the allegations stated by BBW in Paragraph 3 of its Counterclaim.

**Jurisdiction**

4.       LP Matthews admits the allegations stated by BBW in Paragraph 4 of its Counterclaim.

5. LP Matthews admits the allegations stated by BBW in Paragraph 5 of its Counterclaim.

6. LP Matthews admits the allegations stated by BBW in Paragraph 6 of its Counterclaim.

7. LP Matthews admits that this Court has subject matter jurisdiction over this action based on 28 U.S.C. §§ 1331, 1337, 1338, 2201, and 2202. LP Matthews denies that this Court has subject matter jurisdiction over this action based on 28 U.S.C. § 1367.

8. LP Matthews admits the allegations stated by BBW in Paragraph 8 of its Counterclaim.

**First Counterclaim (Declaratory Judgment of Patent Non-Infringement)**

9. BBW's Paragraph 9 of its Counterclaim does not require a response.

10. LP Matthews denies the allegations stated by BBW in Paragraph 10 of its Counterclaim.

**Second Counterclaim (Declaratory Judgment of Patent Invalidity)**

11. BBW's Paragraph 11 of its Counterclaim does not require a response.

12. LP Matthews denies the allegations stated by BBW in Paragraph 12 of its Counterclaim.

**Third Counterclaim (Exceptional Case)**

13. BBW's Paragraph 13 of its Counterclaim does not require a response.

14. LP Matthews denies the allegations stated by BBW in Paragraph 14 of its Counterclaim.

15. LP Matthews denies the allegations stated by BBW in Paragraph 15 of its Counterclaim.

16. LP Matthews denies the allegations stated by BBW in Paragraph 16 of its Counterclaim.

17. LP Matthews denies the allegations stated by BBW in Paragraph 17 of its Counterclaim.

**DEMAND FOR JURY TRIAL**

LP Matthews demands a jury trial on all issues triable by a jury.

ASHBY & GEDDES

*/s/ John G. Day*

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Steven J. Balick (I.D. # 2114)  
John G. Day (I.D. # 2403)  
222 Delaware Avenue, 17th Floor  
P.O. Box 1150  
Wilmington, Delaware 19899  
302-654-1888  
[sbalick@ashby-geddes.com](mailto:sbalick@ashby-geddes.com)  
[jday@ashby-geddes.com](mailto:jday@ashby-geddes.com)

*Attorneys for Plaintiff LP Matthews, L.L.C*

*Of Counsel:*

Ronald J. Schutz  
Robins, Kaplan  
2800 LaSalle Plaza  
800 LaSalle Avenue  
Minneapolis, MN 55402-2015

Robert A. Auchter  
Jason R. Buratti  
Robins, Kaplan, Miller & Ciresi L.L.P.  
1801 K Street, Suite 1200  
Washington, DC 20006

Dated: April 26, 2005  
156443.1

**CERTIFICATE OF SERVICE**

I hereby certify that on the 26<sup>th</sup> day of April, 2005, the attached **PLAINTIFF LP MATTHEWS' REPLY TO DEFENDANT BBW'S COUNTERCLAIMS AND DEMAND FOR JURY TRIAL** was served upon the below-named counsel of record at the address and in the manner indicated:

Richard L. Horwitz, Esquire  
Potter Anderson & Corroon, LLP  
Hercules Plaza, 6<sup>th</sup> Floor  
1313 North Market Street  
P.O. Box 951  
Wilmington, DE 19899-0951

HAND DELIVERY

Arthur I. Neustadt, Esquire  
Oblon, Spivak, McClelland, Maier & Neustadt, P.C.  
1940 Duke Street  
Alexandria, VA 22314

VIA FEDERAL EXPRESS

Francis G.X. Pileggi, Esquire  
Fox Rothschild LLP  
Suite 1300  
919 North Market Street  
Wilmington, DE 19899

HAND DELIVERY

John Ward, Esquire  
Ward & Olivo  
708 Third Avenue  
New York, NY 10017

VIA FEDERAL EXPRESS

/s/ John G. Day

John G. Day